

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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:  
ROBERT FELLOWS, individually and on :  
behalf of all others similarly :  
situated, :  
:

Plaintiff, :  
:

07 Civ. 2261 (DLC)

-v- :  
:

ORDER

CITIGROUP, INC. and CITIMORTGAGE, INC., :  
Defendants. :  
-----X

DENISE COTE, District Judge:

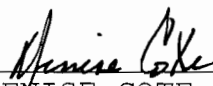
On June 5, 2009, this action was transferred to this Court with a fully submitted motion to dismiss. At a conference on July 24, it was agreed that the plaintiff could file an amended complaint by July 31, 2009, but would not thereafter be permitted a further opportunity to amend. The plaintiff filed a First Amended Complaint on July 31, 2009. The parties are presently engaged in motion practice over whether there is subject matter jurisdiction over the claims in the First Amended Complaint. Accordingly, it is hereby

ORDERED that the June 8, 2007 motion to dismiss is denied without prejudice to renewal in the event that the Court finds

there is subject matter jurisdiction over this action.

SO ORDERED:

Dated: New York, New York  
August 7, 2009

  
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DENISE COTE  
United States District Judge